

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ROCKWELL MINING, LLC,	)	
	)	Nos. 18-1329 & 19-1017
Petitioner/Cross-Respondent,	)	
	)	Board Case No. 09-CA-216001
v.	)	
	)	
NATIONAL LABOR RELATIONS	)	
BOARD,	)	
	)	
Respondent/Cross-Petitioner.	)	
_____	)	

**UNOPPOSED MOTION TO INTERVENE BY THE  
UNITED MINE WORKERS OF AMERICA INTERNATIONAL UNION**

COMES NOW The United Mine Workers of America International Union (the “UMWA”), through undersigned counsel, and pursuant to Rules 15 and 27 of the Federal Rules of Appellate Procedure and the corresponding Circuit Rules 15 and 27, hereby moves to intervene in the above-captioned proceedings. In support of this Motion, the UMWA states the following:

1. On December 12, 2018, Petitioner/Cross-Respondent Rockwell Mining, LLC (“Rockwell”) petitioned this Court to review the December 11, 2018 Decision and Order of the National Labor Relations Board (the “NLRB”) in the case captioned *Rockwell Mining, LLC and United Mineworkers of America, AFL-CIO, Region 2, District 12*, Case No. 09-CA-216001 and the June 21, 2018 Order

of the NLRB in the case captioned *Rockwell Mining, LLC and United Mine Workers of America International Union, AFL-CIO*, Case No. 09-RC-202389. The NLRB filed a cross-application for enforcement on January 28, 2019, and the Court consolidated these matters via an Order entered on January 29, 2019.

2. The NLRB has certified the UMWA as the exclusive collective bargaining representative of the employees whose rights are at issue in these cases. *See Rockwell Mining, LLC*, 367 NLRB No. 46 at \*1, \*6 (Dec. 11, 2018). Whether this Court upholds the NLRB's Decision and Order will determine whether remedies impacting the UMWA its members employed by Rockwell stand. Specifically, the Court's decision will determine whether the UMWA is able to engage in collective bargaining with Rockwell on its members' behalf and whether the UMWA will have access to information, currently in Rockwell's possession, that is necessary for bargaining to proceed. The UMWA was the successful charging party before the NLRB and has an ongoing interest in the outcome of these cases.

3. As the successful charging party in the NLRB proceeding underlying these cases, the UMWA may intervene as a matter of right now that Rockwell, the unsuccessful party, has challenged the NLRB's decision. *See Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., Local 238 v. Scofield, et al.*, 382 U.S. 205, 208 (1965). The UMWA has a fundamental interest in this matter.

4. Prior to filing this Motion, the undersigned counsel for the UMWA consulted with counsel for the NLRB and for Rockwell, who stated that no party is opposed to this Motion.

WHEREFORE the UMWA respectfully moves this Court to issue an order granting the UMWA's Motion to intervene in this proceeding.

Respectfully Submitted,

/s/ Laura P. Karr

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Suite 200  
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Counsel for the United Mine Workers  
of America

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of February, 2019, copies of the foregoing Motion to Intervene by the United Mine Workers of America International Union were served on all registered counsel via CM/ECF.

/s/ Laura P. Karr

Counsel for the United Mine  
Workers of America  
International Union

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS**

I hereby certify that the foregoing Motion is written in a proportionally-spaced font with a 14-point typeface and that it contains 397 words, exclusive of those portions exempted by Federal Rule of Appellate Procedure 32(f). I have relied on Microsoft Word's calculation feature.

Dated: February 7, 2019

/s/ Laura P. Karr

Counsel for the United Mine  
Workers of America  
International Union

# **Addendum**

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ROCKWELL MINING, LLC,	)	
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	)	Board Case No. 09-CA-216001
v.	)	
	)	
NATIONAL LABOR RELATIONS	)	
BOARD,	)	
	)	
Respondent/Cross-Petitioner.	)	
_____	)	

**RULE 26.1 DISCLOSURE STATEMENT BY PROPOSED INTERVENOR  
UNITED MINE WORKERS OF AMERICA INTERNATIONAL UNION**

COMES NOW the proposed intervenor, the United Mine Workers of America International Union (the “UMWA”), and pursuant to Federal Rule of Appellate Procedure 26.1 and Rule 26.1 of the Circuit Rules of the United States Court of Appeals for the District of Columbia Circuit, makes the following disclosures:

Non-governmental party to these actions:     The UMWA

Parent corporation(s):     None

Publically-held corporation that owns 10% or more of party’s stock:     None

Party’s general nature and purpose:     The UMWA is a labor organization within the meaning of Section 310 of the Labor-Management Relations Act (29 U.S.C. §

185) and is an unincorporated association whose members have no ownership interests in the association. The UMWA has been certified by Respondent/Cross-Petitioner the National Labor Relations Board as the exclusive representative of certain employees of Petitioner/Cross-Respondent Rockwell Mining, LLC. The UMWA filed the unfair labor practice charge that gave rise to these actions.

Party's members who have issued shares or debt securities to the public:      None

Respectfully Submitted,

/s/ Laura P. Karr

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Counsel for the United Mine Workers  
of America



**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of February, 2019, copies of the foregoing Rule 26.1 Disclosure Statement by the United Mine Workers of America International Union were served on all registered counsel via CM/ECF.

/s/ Laura P. Karr

Counsel for the United Mine  
Workers of America  
International Union

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ROCKWELL MINING, LLC,	)	
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	)	Board Case No. 09-CA-216001
v.	)	
	)	
NATIONAL LABOR RELATIONS	)	
BOARD,	)	
	)	
Respondent/Cross-Petitioner.	)	
_____	)	

**CERTIFICATE OF PARTIES AND AMICI BY PROPOSED INTERVENOR**  
**UNITED MINE WORKERS OF AMERICA INTERNATIONAL UNION**

COMES NOW the proposed intervenor, the United Mine Workers of America International Union (the “UMWA”), and pursuant to Rules 27(a)(4) and 28(a)(1)(A) of the Circuit Rules of the United States Court of Appeals for the District of Columbia Circuit, files this Certificate of Parties and Amici:

The following parties appeared below before the National Labor Relations Board (the “NLRB”) in these cases, which are cross-petitions for review and enforcement of an NLRB Order issued on June 21, 2018 (NLRB Case No. 09-RC-202389) and an NLRB Decision and Order entered on December 11, 2018 (NLRB Case No. 09-CA-216001).

Charging Party: UMWA Region 2, District 17<sup>1</sup>

Respondent: Rockwell Mining, LLC

All parties presently appearing in this Court are listed in the Certificate as to Parties, Rulings and Related Cases filed by Petitioner/Cross-Respondent Rockwell Mining, LLC on January 15, 2019.

Respectfully Submitted,

/s/ Laura P. Karr

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Counsel for the United Mine Workers  
of America

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<sup>1</sup> Note that the NLRB's December 11, 2018 Decision and Order erroneously lists UMWA Region 2, District 12 as the charging party.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of February, 2019, copies of the foregoing Certificate of Parties and Amici by the United Mine Workers of America International Union were served on all registered counsel via CM/ECF.

/s/ Laura P. Karr

Counsel for the United Mine  
Workers of America  
International Union